

Message Text

CONFIDENTIAL

PAGE 01 BONN 15541 211018Z
ACTION EUR-12

INFO OCT-01 NEA-10 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 DHA-05 /074 W
-----054091 211243Z /50

R 211010Z SEP 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 1591
INFO AMEMBASSY ROME
AMEMBASSY TEL AVIV

C O N F I D E N T I A L BONN 15541

E.O. 11652: GDS
TAGS: PINT, IT, GW
SUBJECT: THE KAPPLER AFFAIR

REF: BONN 13629

1. AS EXPECTED, THE FRG PLANS TO TURN DOWN THE ITALIAN REQUEST FOR THE EXTRADITION OF HERBERT KAPPLER. THE FONOFF NOTE, WHICH WILL BE SENT SHORTLY, WILL POINT OUT THAT EXTRADITION IS RULED OUT UNDER ARTICLE 16 OF THE FRG BASIC LAW. THE NOTE WILL, HOWEVER, ALSO CONVEY THE FRG'S INTENTION TO BEGIN LEGAL PROCEEDINGS AGAINST KAPPLER FOR HIS WARTIME CRIMES. TO THIS END, THE FRG WILL REQUEST LEGAL ASSISTANCE AND DOCUMENTATION FROM ITALIAN AUTHORITIES.

2. THE FONOFF EXPECTS AN INITIAL WAVE OF ITALIAN PRESS CRITICISM. IT BELIEVES, HOWEVER, THAT BY BRINGING ITALIAN AUTHORITIES INTO THE CASE AND BY RELEGATING IT TO A LEGAL MATTER, THE KAPPLER AFFAIR WILL SOON CEASE TO BE A BILATERAL IRRITANT. THE FONOFF EXPECTS THE KAPPLER CASE TO PLAY ONLY A MINOR ROLE DURING THE SCHMIDT-ANDREOTTI MEETING.

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3. OUR FONOFF SOURCE FRANKLY LABELED THIS A "FACE SAVING DEVICE" FOR BOTH BONN AND ROME. HE IMPLIED, THOUGH HE DID NOT SAY, THAT THIS COURSE OF ACTION HAD BEEN AGREED TO BY THE GOI. HE ADDED THAT THERE WAS VIRTUALLY NO CHANCE THAT KAPPLER WOULD EVER SEE THE INSIDE OF A GERMAN PRISON. HE IS CONSIDERED

"HAFTUNFAEHIG" (UNFIT FOR PRISON) BY GERMAN AUTHORITIES
BECAUSE OF HIS ILL HEALTH AND HIS HAVING ALREADY SERVED
32 YEARS IN PRISON, I.E., 12 YEARS MORE THAN THE AVERAGE
TIME SERVED ON A LIFE SENTENCE IN THE FRG. MOREOVER, THE LEGAL
PROCEEDINGS ARE EXPECTED TO DRAG ON FOR SOME TIME.
STOESSEL

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, POW, WAR CRIMES, DIPLOMATIC NOTES, COURT PROCEEDINGS, TRIALS
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770343-0299
Format: TEL
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770941/aaaabian.tel
Line Count: 68
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0e798741-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Retention: 0
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SAS ID: 1199211
Secure: OPEN
Status: NATIVE
Subject: THE KAPPLER AFFAIR
TAGS: PINT, IT, GE, (KAPPLER, HERBERT)
To: STATE
Type: TE
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